IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.15062 of 2005

Between:

Shaik Umar.

..... PETITIONER

AND

Municipal Corporation of Vijayawada,
rep. by its Commissioner.

.....RESPONDENT

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.15062 of 2005

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in putting the seal on petitioners shop at 43-102-13, Main Road, Ajit Singh Nagar, Vijayawada by passing final orders on 20-06-2005 without affording any opportunity to the petitioner by the respondent

authorities even after receiving the licence fee in the month of March, 2005 as unconstitutional and consequently declare the action of the respondents in initiating the proceedings against the petitioner as illegal and without any jurisdiction.

Heard learned Counsel for the petitioner and also the learned Standing Counsel for the respondent.

It is stated that the petitioner was served with a notice dated 25-05-2005. Immediately the petitioner requested a local person, got prepared a reply, and personally handed over the same to the Municipal Commissioner on 26-05-2005 and explained that no neighbour has any complaint except one person with whom he had some dispute. Several other factual details had also been narrated. It is also stated that the petitioner submitted his explanation on 26-05-2005 expecting that an enquiry would be conducted after giving him a notice, taking into consideration several factual aspects. It is also stated that to the surprise and shock of the petitioner, he was summoned in the afternoon on 20-06-2005 and he was given a notice dated 18-06-2005. Petitioner informed that the notice was dated 18-06-2005, but it

was being served upon him on
20-06-2005. The officers said that there is no discussion and in the evening of 26-06-2005 at about 6.00 p.m., the officers came and put a seal to the petitioner's shop.

As can be seen from the several factual details which had been narrated in detail in the affidavit filed in support of the Writ Petition, this Court is satisfied that when objections were filed by the petitioner, further enquiry could have been conducted by affording an opportunity to the petitioner and it is clear that no such opportunity had been given to the petitioner.

In the facts and circumstances of the case, this Court is of the considered opinion that the Writ Petition be disposed of directing the respondent to follow the procedure by duly issuing show cause notice at the earliest point of time in accordance with law and; the petitioner to file objections, if any, within the time, which may be fixed by the respondent and; on such objections being filed by the petitioner within the time stipulated, the respondent to pass appropriate orders in accordance with law. Till then, *status quo* as on today be maintained.

The Writ petition is disposed of accordingly. No order as to costs.

26th October, 2006

LUR